



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,549	03/01/2004	Marko Areh	ZTP01P15155	3288
24131	7590	09/08/2005	EXAMINER	
LERNER AND GREENBERG, PA			MACARTHUR, VICTOR L	
P O BOX 2480				
HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/791,549	AREH ET AL.
	Examiner Victor MacArthur	Art Unit 3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/2005 has been entered.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 8/30/2001. It is noted, however, that applicant has not filed a certified copy of the DE10142508 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-10 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Took U.S. Patent 6155741.

Claim 1. Took discloses (figs. 1 and 5) a joining device for attaching a body, comprising: a first body (10, 14, 22) having a first wall (14) with an inner side (inner side of 14) and

Art Unit: 3679

extending substantially at a right angle to a second wall (wall of 12) of a second body (12), the first body being inserted into the second body; a plurality (col.3, ll.35-40) of detent bosses (36) connected (in as much as applicant's element 6 is connected to 2) to the inner side of the first wall, the plurality of detent bosses each being pressed by force into a respective one of detent openings (38) formed in the second body, and the plurality of detent bosses being encircled by the second body in a pressed-in state; and a plurality (col.3, ll.35-40) of connection devices (20) each disposed in the first body for exerting the force on a respective one of the detent bosses.

Note that the limitation "body" is taken to mean "a group of persons or things" in accordance with Merriam-Webster's Collegiate Dictionary Tenth Edition and that these "things" need not be connected homogenously or even contact one another in order to comprise a "body of things" within the broadest reasonable interpretation of the claims.

Claim 2. Took discloses that the first body has a plurality of springs (leaf springs supporting elements 36) connected to the first wall and the plurality of detent bosses are each disposed on a respective one of the plurality of springs.

Claim 3. Took discloses that the plurality of springs are disposed at an acute angle to the second wall (during insertion of 22 when 36 is deflected).

Claim 5. Took discloses that the detent openings are a sack hole bore (in as much as the applicant's openings are) and the detent bosses are configured for engaging the sack hole bores.

Claim 6. Took discloses that the connection devices are bolts.

Claim 7. Took discloses that the first body has a plurality of support walls (28, 30) on an inside of the first wall, and substantially vertical to the first wall, and the plurality of connection

Art Unit: 3679

devices are disposed between the plurality of support walls and the plurality of springs and can be screwed or inserted into the first body.

Claim 8. Took discloses (figs.1 and 5) a joining device for attaching to a first body (10 as shown in fig.1 and plurality of 22 attached to 10 which are required by col.3, ll.35-40), which is inserted into a second body (plurality of rungs 12 attached to second rail not shown but required by col.3, ll.35-40), the first body having a first wall (14) extending substantially at a right angle to a second wall (wall of 12) of the second body, the joining device comprising: a plurality of detent bosses (36 on plurality of 22 required by col.3, ll.35-40) connected to an inner side of the first wall and the plurality of detent bosses each being pressed by force into a respective one of detent openings (38 on each 12 required by col.3, ll.35-40) formed in the second body the plurality of detent bosses being encircled by the second body in a pressed-in state; and a plurality (col.3, ll.36-40) of connection devices (20) each disposed in the first body for exerting the force on a respective one of the detent bosses each of the plurality of connection devices maintaining the corresponding detent boss in the pressed-in-state in the corresponding opening to engage the first body to the second body.

Claim 9. Took discloses a plurality of springs (leaf springs supporting 36) connected to the first wall and the plurality of detent bosses each being disposed on a respective one of the plurality of springs.

Claim 10. Took discloses that the plurality of springs are disposed at an acute angle to the second wall (during insertion of 22 when 36 is deflected).

Claim 12. Took discloses that the detent openings are sack hole bores and the detent bosses are configured for engaging the sack hole bores (in as much as the applicant's invention is).

Claim 13. Took discloses that the connection devices are a bolts.

Claim 14. Took discloses that the first body has a plurality of support walls (30 of each 22 as required by col.3, ll.35-40) on an inside of the first wall, and disposed substantially vertical to the first wall, and the plurality of connection devices which are disposed between the support walls and the springs can be screwed or inserted into the first body.

Claim 15. Took discloses (col.1 and figs.1 and 5) a kitchen appliance (cable ladder capable of carrying wires for stoves, refrigerators, deep fryers, etc.), comprising: a first body (10, 22) having a first wall (10) with an inner side (inner side of 10) and being a first housing part of the kitchen appliance; a second body (12) having a second wall (wall of 12) with a plurality of detent openings (38) formed therein and being a second housing part of the kitchen appliance, the first body being inserted into the second body, the first wall extending substantially at a right angle to the second wall of the second body; and a joining device (22) containing: a plurality of detent bosses (36) connected to the inner side of the first wall, the plurality of detent bosses each being pressed by force into a respective one of the detent openings of the second body, and the plurality of detent bosses being encircled by the second body in a pressed-in state; and a plurality (col.3, ll.36-40) of connection devices (20) each disposed in the first body for exerting the force on a respective one of the detent bosses.

Claim 16. Took discloses that the first body is a floor part (in that it acts as a floor to 12), the first wall is a floor plate, and the second body is a sheathing part and the second wall is a sheathing wall (in as much as the applicant's invention is).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Took (U.S. Patent 6,155,741) in view of Usui (U.S. Patent 5,678,953) and Allegrucci (U.S. Patent 5,100,046).

Claims 4 and 11. Took discloses that the plurality of springs (springs supporting 36) are connected to the first wall (14). Took does not disclose monobloc connection between the springs and the first wall. Usui teaches (fig. 1) monobloc connection between a plurality of springs (23, 25) and a first wall (21). Allegrucci teaches that monobloc connection guarantees uniform quality by reducing stress and wear between elements. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Took springs to be connected monobloc to the first wall as taught by Usui and Allegrucci, for the purpose of guaranteeing uniform quality by reducing stress and wear between elements.

Response to Arguments

Applicants' arguments with regard to the newly added claim limitations have been fully considered but they are not persuasive.

In response to the applicants' remarks regarding the finality of the Office Action mailed 2/1/2005 it should be noted that such remarks are untimely and now moot in view of the request for continued examination filed on 7/6/2005. Nevertheless, it is noted that the primary reference, Took, has been applied under section 102 since the first Office action of August 10, 2004 and, with the exception of claims 4 and 11, continues to be applicable under section 102 against most all of the claims of record. The applicant's amendment of 11/10/2004 (e.g. the added limitations "plurality of" (present in claims 1 and 8 from which claims 4 and 11 depend) necessitated the rejection of claims 4 and 11 under section 103 (albeit still in part over prior art to Took) and as such the finality of that action was proper. See MPEP § 706.07(a). The principles of compact prosecution are well-known and 37 CFR 1.113 makes clear that the second action will be made final. The rules no longer provide a refuge for an applicant that dallies in the prosecution of his application. As stated in MPEP 706.07, applicant should amend with the intent of avoiding all grounds of rejection. It is quite evident from a review of the record that a clear issue has long ago been reached as evidenced by the fact that Took remains a reference against all of the claims and minimal amendments have been presented to attempt to distinguish the instant claims from Took.

The applicants argue in regard to claims 1 and 8 that Took does not disclose a plurality of detent bosses and connection devices connecting a single first body to a single second body. This is not persuasive. The fact that the connected bodies of Took are not homogenous but are

rather multipart bodies is irrelevant since the applicants do not claim the limitation “homogenous unitary construction” or any similar scope. Took discloses in (col.3, ll.35-40) a cable ladder that is comprised of two parallel rails (10) connected by a plurality of rungs (12) via a plurality of bolts (20) and plurality of joining devices (22). As rejected in claim 8 the first body is comprised of one of the two rails 10 (shown in fig.1) and the plurality of connecting devices 22 (one of which is shown in fig.1) that contact the one shown rail. The second body comprises the other of the two rails (not shown) and plurality of rungs 12 (one of which is shown in fig.1) connected to the other un-shown rail. Additionally, the applicants’ claims as written are broad enough to be read upon by the prior art in other multi-part “body” configurations such as wherein the first body comprises the pair of rails (10) and the second body comprises a pair of rungs (12). Furthermore, the limitation “body” is taken to mean “a group of persons or things” in accordance with Merriam-Webster’s Collegiate Dictionary Tenth Edition and that these “things” need not be connected homogenously or even contact one another in order to comprise a “body of things” within the broadest reasonable interpretation of the claims. The examiner notes that claims 4 and 11 recite the limitation “monobloc”. However, this limitation is not patentable in view of Usui as applied above.

The applicants argue that Took does not disclose that the detent bosses are encircled by the second body. This is not persuasive since each detent boss of Took is inserted into and surrounded by a rung (12) of the second body such that it is encircled by the second body within the broadest reasonable interpretation of the claim language.

The applicants argue that Took teaches away from the claimed invention since Took spaces rungs over a great distance to allow a person to climb the ladder. This is not persuasive

since the applicants' claims do not recite any limitation specifically forbidding "a great distance". Furthermore, the Took invention is not a personnel ladder but is rather a cable ladder for supporting heavy cables or pipes horizontally and would thus benefit from closely spaced rungs such that cables have less space to fall through. The Took cable ladder is not intended to be used by personnel for climbing even though it can be used for support in an emergency (col. 1, ll.8-15). Lastly, the Took cable ladder is only one exemplary intended use for the connecting aspect of the Took connecting assembly (col.4, ll.40-44).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Application/Control Number: 10/791,549
Art Unit: 3679

Page 10

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

VLM
September 2, 2005



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600